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January 10, 2024

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Via ECF

Honorable Judge Colleen McMahon
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Ok, conference cancelled

Colleen McMahon
1/12/2024

Re: *Lamar Brown v. New Hampshire Bowl & Board, LLC*
U.S. District Court/Southern District of New York,
Civil Docket No. 1:23-cv-01502-CM

Dear Judge McMahon,

On behalf of Defendant New Hampshire Bowl & Board, LLC ("NHBB") in this A.D.A case related to NHBB's website, we are writing, with the assent of Plaintiff Lamar Brown, in accordance with Rule I. D. 2, to respectfully request an adjournment of the pretrial conference currently scheduled for January 18, 2024, at 10:45 a.m. We are requesting this adjournment because NHBB filed a motion to dismiss on January 3, 2024, based on Plaintiff's failure to serve NHBB with the Complaint for 257 days after filing, which, if granted, would eliminate the need for the pretrial conference and would render any proposed civil case management plan moot. NHBB respectfully requests that the pretrial conference be adjourned to a date at the Court's convenience after it has considered the pending motion to dismiss.

Alternatively, if the Court proceeds with the January 18 pretrial conference, NHBB respectfully requests, again with the assent of the Plaintiff, pursuant to Rule III. C, to appear telephonically, to minimize the cost of litigation in a case that it submits should be dismissed. NHBB — a small "Mom and Pop Shop" with an exclusively internet-based business — was sued by the Plaintiff under the A.D.A and related statutes for allegedly not having a website suitable for visually-impaired individuals, despite that it actually has invested in software that renders its website accessible for visually-impaired consumers in accordance with the A.D.A., *et al.* NHBB respectfully requests that the Court consider the financial burden on NHBB if its counsel, who live in New Hampshire and Albany, respectively, must travel to New York City to appear at a pretrial conference.

Although this would be the fifth adjournment of the pretrial conference, NHBB has requested an adjournment only once before, in connection with its request for an extension of time to respond to the Complaint. Granting the adjournment to afford the Court the opportunity

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to rule on NHBB's motion to dismiss will not adversely affect the schedule of this case because no scheduling order has been issued.

Thank you for the Court's consideration.

Respectfully submitted,

Julie K. Connolly

Julie K. Connolly, PHV#NH10984
Stephen D. Rosemarino, SDNY # SR6653

cc: Client
All counsel of record, via ECF